

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION, :
: Plaintiff, : 14 Civ. 4644
: :
- v - : ORDER

DARYL M. PAYTON and BENJAMIN DURANT
III,

Defendants.

JED S. RAKOFF, U.S.D.J.

During oral argument on motions in limine on February 1, 2016, the Court reserved decision on the question of whether plaintiff Securities and Exchange Commission (SEC) could use, for impeachment purposes, statements from the plea colloquy of defendant Daryl Payton made in connection with his now-vacated guilty plea. See Dkt. 99. The Court hereby denies the SEC's motion to use such statements for impeachment purposes. See Fed. R. Evid. 410.

SO ORDERED.

Dated: New York, NY
February 4, 2016

Jed S. Rakoff
JED S. RAKOFF, U.S.D.J.